

REMARKS

In response to the Office Action mailed August 11, 2004, the present application has been carefully reviewed and amended. Applicant respectfully requests entry of the present amendment and reconsideration of the application.

*Election/restrictions*

Applicant hereby affirms the election, made with traverse, to prosecute the invention of Group 1, Claims 1-31 in the present application. Claims 32-39 have been withdrawn.

*Drawings*

In the Office Action, Figure 1 has been objected to for showing only that which is old. Applicant respectfully submits Figure 1 while showing an admittedly old vehicle, shows the present weatherseal 10 as located on the vehicle. Were the resolution sufficient in Figure 1, the claimed invention would be visible. However, because of the relative scale of the present invention compared to the vehicle in which it can be employed, and the location of the present invention being in a similar location as prior art, Figure 1 discloses the present invention.

Therefore, applicant respectfully submits Figure 1 showing the location of the present invention 10 is not accurately prior art.

Figures 2, 8 and 9 have been amended to address the remaining objections to the drawings, and Replacement Sheets accompany this amendment.

*Double patenting*

Claim 31 has been canceled. Thus, applicant respectfully submits 37 CFR section 1.75 is satisfied.

*Claim Objections*

Claims 8 and 15 have been amended to address the outstanding objections.

12/17

*Claim Rejections 35 USC §112*

Claims 1-31 stand rejected under 35 USC §112, second paragraph for recitation of "an inverted" on line 2 of Claim 1.

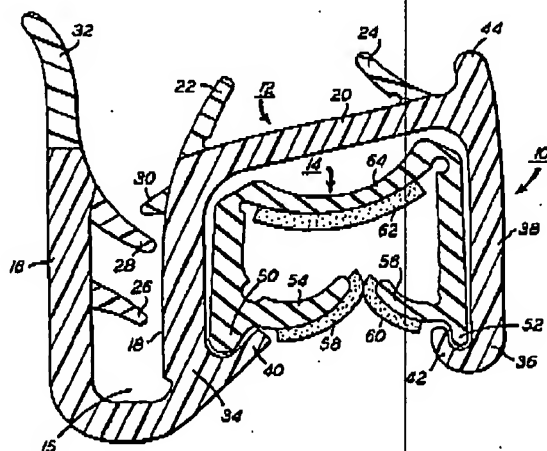
Claim 1 has been amended to more particularly recite the invention and specifically the element of the invention to which the window receiving channel is inverted. In addition, Claims 2-4, 8 and 10-12 have been amended to more particularly point out and distinctly claim the invention.

Thus, Claims 1-31 are believed to satisfy 35 USC §112 second paragraph.

*Claim Rejections 35 USC §102*

Claims 1, 5, 9, 15, 18, 20-22 and 24-31 stand rejected under 35 USC §102(b) as being anticipated by McManus (US Patent No. 5,343,609). McManus is construed by the examiner to disclose the window channel closed end being curvilinear since the window channel closed end includes the curved portions at the junctures of the window channel closed end and the transition and the exterior legs. [Paper 20040805, page 6]

As amended, independent Claim 1 recites in part "the window receiving channel being . . . defined by a substantially curvilinear cross section." In contrast, as shown in the figures of McManus, the window channel closed end 20 does not disclose a substantially curvilinear cross section.



As the window receiving channel portion of McManus is not a substantially curvilinear cross section, at least this limitation is not present. Therefore, applicant respectfully submits McManus cannot sustain the rejection under 35 USC §102 of Claim 1.

As Claims 5, 9, 15, 18, 20-22 and 24-31 depend from Claim 1 and include all the limitations therefore, these claims also distinguish over McManus.

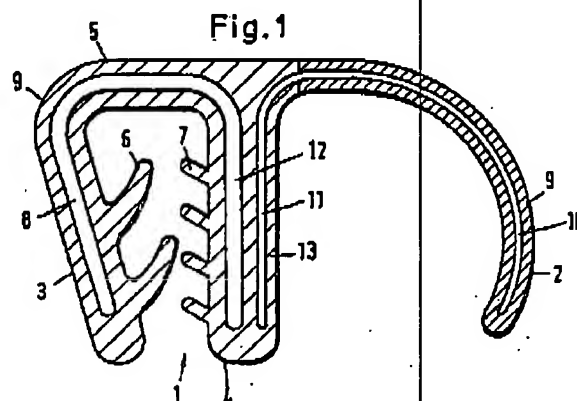
*Claim Rejections Under 35 USC §103*

Claims 2-4 stand rejected under 35 USC §103 as being unpatentable over McManus, as one of ordinary skill in the art would be expected to routinely experiment with parameters to ascertain an optimal or workable ranges.

Applicant respectfully submits as Claim 1 recites a structure (the window receiving channel having "a substantially curvilinear cross section") which is neither disclosed nor suggested by McManus, any "routine experimentation" of McManus would not provide or suggest the limitations of Claims 2-4. Thus, Claims 2-4 are believed in condition for allowance.

*Claims 1, 6-8, 16 and 17*

Claims 1, 6-8, 16 and 17 stand rejected under 35 USC §103 as being unpatentable over Thies in view of Dover. Thies is relied upon to disclose a rigid backbone 8, 10 having a flange engaging channel and an inverted window receiving channel (not numbered but shown in Figure 1).



Applicant respectfully submits Thies does not disclose the fundamental structure recited by Claim 1. Specifically, Thies provides a holding part 1 for engaging a flange and a sealing part, lip 2. The channel 1 formed for receiving the flange and the channel 2 formed by the exterior leg are not inverted, but rather both open in the same direction. Therefore, the limitation of Claim 1 of the window receiving channel being inverted relative to the flange engaging channel is not present. Thus, even if the device of Thies were formed of polymeric backbone, such structure, being opposite to the claimed structure, cannot disclose or suggest the claim structure. Therefore, this combination of references cannot sustain the asserted rejection of Claims 1, 6-8, 16 and 17.

*Claims 10-12*

Claims 10-12 stand rejected under 35 USC §103 as being unpatentable over McManus. Applicant respectfully submits as Claim 1 clearly distinguishes over McManus, the assertion that the recited limitations would be an obvious matter of engineering design choice, cannot overcome the deficiencies of McManus in view of Claim 1, and thus Claims 10-12 are in condition for allowance.

*Claims 13 and 14*

Claims 13 and 14 stand rejected under 35 USC §103 as being unpatentable over McManus in further view of Coldre.

The examiner relies upon the flange channel closed end as taught by Coldre to more securely grip the flange at the vehicle. However, even if the flange channel closed end of Coldre is applied to the primary reference McManus, such construction fails to disclose or suggest the recited window receiving channel defined by a substantially curvilinear cross section. That is, the flange channel of Coldre does not cure the deficiencies of the primary reference McManus. Therefore, the rejection of Claims 13 and 14 cannot be sustained.

*Claim 19*

Claim 19 stands rejected under 35 USC §103 as being unpatentable over McManus in further view of Keeney. The Examiner relies upon Keeney to disclose an elongation reducing member to increase the strength of the weatherseal.

Applicant is unable to identify reference 72 in Keeney. Further, Keeney does not appear to disclose or even suggest a structure which would cure the deficiencies of McManus. For example, neither reference discloses or suggests the window receiving channel having a substantially curvilinear cross section. Therefore, applicant respectfully submits this asserted combination of references cannot sustain rejection of Claim 19.

*Claim 23*

Claim 23 stands rejected under 35 USC §103 as being unpatentable over McManus in view of Dover. The examiner asserts it would have been obvious to provide McManus with a trim lip as taught by Dover.

However, as the rejection of Claim 1, from which Claim 23 depends has been overcome in view of McManus and the inclusion of a trim lip as taught by Dover, would no cure these deficiencies, as applicant respectfully submits that Claim 23 is in condition of allowance.

*New Claims*


Claims 40-90 have been added. Claims 40-50 depend, at least in part, from Claim 1. Thus, as these new claims further define the present invention, applicant submits such claims are in condition for allowance.

Claims 51-90 are method claims believed to be properly included with the present product claims. Claims 51-90 parallel the product claims.

Therefore, applicant respectfully submits all the pending claims, Claims 1-30 and 40-90, are in condition for allowance; and such action is earnestly solicited. If, however, the examiner believes that any further issues remain, he is

cordially invited to contact the undersigned so that such matter can be promptly resolved.

Respectfully submitted,



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